IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.9332 of 2005

Between:

Anwari Begum, W/o. Abdullah,
R/o. 17-3-198/6, Ashraf Nagar,

Yakuthpura, Hyderabad. **..... PETITIONER**

AND

1) The Station House Officer, Rein Bazar Police Station,

Hyderabad.

2) The Commissioner of Police, Twin Cities, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Habeas Corpus directing the Respondents herein to produce the son of the

Petitioner herein, viz., Mohd. Bin Abdullah, aged about 23 years, studying in LL.B. III year, neighbours of the Petitioner herein,
viz, Mohd. Shafee and Misleuddin before this Hon'ble Court, who were whisked away from the Petitioner's house by the Deputy Commissioner of Police, South Zone, Hyderabad, Prasanna Kumar, Sub-Inspector of Police and Police Constable Ghouse of Rein Bazar Police Station, Mohd. Ghouse, Sub-Inspector of Police of D.C.P. Party, South Zone, in the intervening night of 16th and 17th April, 2005 at about 12-30 a.m., after heavily beating them, and set them at liberty forthwith.

Counsel for the Petitioner: PETITION

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following :

ORDER:(Per Hon'ble Sri Justice B. Sudershan Reddy)

In the affidavit filed by the Station House Officer, Rein Bazar Police Station, Hyderabad, it is stated that on the basis of the complaint given by one John Milton, Crime No.68 of 2005 was registered on 16-04-2005 for the offences punishable under Sections 448 and 506 of the Indian Penal Code. During the course of investigation, the alleged detenu No.1/Mohd. Bin Abdullah was arrested and taken into custody on the intervening night of 16/17-04-2005 and was produced before the learned XVI Metropolitan Magistrate, Nampally, Hyderabad, at his house on 17-04-2005 evening. Learned Magistrate directed the police to reproduce the alleged detenu No.1 in the Court on 19-04-2005 as 18-04-2005 being public holiday. The alleged detenu No.1 was brought to the Police Station. It is further stated that on 18-04-2005, the alleged detenu was admitted in the Hospital as he fell down due to which he received injury on his forehead. A memo to that effect was filed into the Court on 19-04-2005. He was discharged from the hospital on
21-04-2005 and was produced before the learned
V Metropolitan Magistrate, Nampally, Hyderabad. Learned Magistrate upon perusal of the documents of arrest and hearing the alleged detenu No.1/accused, sent him to judicial custody for initial period of 15 days pursuant to which he is now lodged in the Central Prison, Chenchalguda, Hyderabad, and thereafter enlarged on bail. It is thus clear that the alleged detenu No.1 is in the custody of the police as on the day. His detention cannot be said to be illegal

since he was taken into custody in connection with the investigation in Crime No.68 of 2005.

That so far as alleged detenus 2 and 3 viz., Mohd. Shafee and Misleuddin are concerned, they were arrested on 21-04-2005 at 5-00 a.m. in connection with Crime No.74 of 2005 registered under Sections 41(a) and 109 of the Code of Criminal Procedure while they were moving under suspicious circumstances. They were accordingly produced before the learned Special Executive Magistrate-cum-Revenue Divisional Officer, Hyderabad, on the same day. Learned Magistrate after obtaining a bond from them for maintaining good behaviour for a period of six months released them. They are also not in detention.

In the circumstances, no further directions as such are required to be issued in this Writ of Habeas Corpus.

The Writ Petition shall accordingly stand dismissed.

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B. SUDERSHAN REDDY, J

Date:28-04-2005.

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C.V. RAMULU, J

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To

1) The Station House Officer, Rein Bazar Police Station,
Hyderabad.

2) The Commissioner of Police, Twin Cities, Hyderabad.

3) Two C.Cs. to the Advocate General, High Court of A.P.,
Hyderabad (O.U.T.).

4) Two C.D. copies.